Remarks

This Application has been carefully reviewed in light of the Final Office Action ("Office Action") mailed March 4, 2008. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Claims 1-33 are pending. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. § 102

The Examiner continues to reject Claims 1-10, 15-21, and 27-33 under 35 U.S.C. § 102(b) as being disclosed by U.S. Patent No. 6,061,650 to Malkin et al. ("*Malkin*"). Applicants respectfully traverse these claim rejections for the reasons discussed below.

Claim 1 teaches a method comprising receiving a request for connection from an initiator, over a public network and requesting an acknowledgement from the initiator of the request. Claim 1 further teaches determining whether the acknowledgement has been received within a predetermined amount of time and denying the request if the acknowledgement is not received within the predetermined amount of time. Applicants respectfully contend that *Malkin* fails to disclose each and every one of these limitations.

Malkin teaches a method for "transparently providing mobile functionality to a remote node." *Malkin*, col. 1, lines 64-65. This includes a user dialing into a Remote Access Server (RAS) through a remote node. *Malkin*, col. 2, lines 26-27. The RAS then generates and sends a remote authentication request to an authentication server. *Malkin*, col. 2, lines 42-44. Once the user is authenticated by the authentication server, the RAS generates and sends a tunnel registration request to an appropriate gateway. *Malkin*, col. 2, lines 58-61.

The Examiner's continued rejection of Claim 1 appears to be based in part on a misinterpretation of Claim 1. In the Office Action, the Examiner appears to read the limitation "requesting an acknowledgement from the initiator of the request" as requiring a request for acknowledgement "<u>coming</u> 'from the initiator of the request.'" *See Office Action*, pg. 2, paragraph 2.2 (emphasis added). Applicants respectfully point out that Claim 1 does not require a request for acknowledgement <u>coming from</u> the initiator; rather it discloses "requesting an acknowledgment from the initiator." Under this proper reading of Claim 1, Applicants respectfully maintain that the tunnel registration request does not disclose "requesting an acknowledgement <u>from the initiator of the request</u>." This is further supported by the Examiner's own attempted "mapping" of claim elements. In rejecting Claim 1, the

Examiner appears to rely on the RAS of *Malkin* as disclosing the "initiator" of Claim 1. *See Office Action*, pg. 4. Under the Examiner's mapping, which Applicants do not necessarily agree with, *Malkin* discloses the RAS (i.e. initiator) generating a tunnel registration request and sending it to an appropriate gateway. Therefore, the RAS requests registration from the gateway, and nothing is requested from the RAS (i.e. initiator). Thus, *Malkin* fails to disclose "requesting an acknowledgement from the initiator of the request." For at least these reasons, Applicants respectfully contend that Claim 1 is patentably distinguishable from *Malkin*.

Similar to Claim 1, Claims 27, 28, 30, and 32 include elements generally directed toward receiving a request for connection from an initiator and requesting an acknowledgement from the initiator of the request. Therefore, Applicants respectfully contend that Claims 27, 28, 30, and 32 are patentably distinguishable from *Malkin* for at least the same reasons discussed above with regard to Claim 1.

Claims 2-10 depend, either directly or indirectly, from Claim 1 and incorporate all the limitations thereof. Therefore, Applicants respectfully contend that Claims 2-10 are patentably distinguishable from *Malkin* for at least the same reasons discussed above with regard to Claim 1.

Claim 15 teaches a method comprising receiving an incoming data packet from a public network, comparing a source address of the data packet against known internal addresses of the private network, and determining if the source address matches a known internal address. If there is a match, Claim 15 teaches dropping the data packet, analyzing a header of the data packet, determining information regarding history of the packet, determining a real source of the data packet using the information regarding the history, and refusing to process any additional data packets received from the real source of the data packet.

Despite the fact that Claim 15 includes distinct limitations not disclosed by Claim 1, the Examiner continues to rely on "the same rational [sic] as claim 1" in rejecting Claim 15. *Office Action*, pg. 15. Aside from the response to Applicants' previous remarks, the Examiner fails to specifically point out how each and every element of Claim 15 is disclosed by *Malkin*. Nevertheless, Applicants respectfully contend that *Malkin* fails to disclose each and every one of these limitations.

As described above, *Malkin* teaches a method for "transparently providing mobile functionality to a remote node." *Malkin*, col. 1, lines 64-65. This includes a user dialing into

a Remote Access Server (RAS) through a remote node. *Malkin*, col. 2, lines 26-27. The RAS then uses information from the remote node to query a Tunnel Management System (TMS) for additional information needed to complete authentication of the remote node. *Malkin*, col. 3, lines 40-50. This information may include the address of the gateway to the remote node's home network. *Malkin*, col. 2, lines 30-35. Applicants respectfully contend that finding the address of a gateway to the remote node's home network does not disclose "comparing a source address of the data packet against known internal addresses of the private network" and "determining if the source address matches a known internal address."

Furthermore, *Malkin* discloses that if an entry is <u>not</u> found in the TMS database, the connection between the RAS and the remote node will be terminated. *Malkin*, col. 3, lines 57-61. First of all, Applicants respectfully contend that this <u>lack of an entry</u> does not disclose "a match" between a source address and a known internal address. Second, even if this is a match, which Applicants do not concede, *Malkin* only discloses terminating the connection as a result. *Malkin* does not disclose analyzing a header of a data packet, determining information regarding the history of the packet, or determining a <u>real source</u> of the data packet using the history information. Furthermore, Applicants respectfully contend that <u>merely terminating</u> a connection does not disclose "<u>refusing</u> to process any <u>additional</u> data packets received <u>from the real source</u> of the data packet." For at least these reasons, Applicants respectfully contend that Claim 15 is patentably distinguishable from *Malkin*.

Similar to Claim 15, Claims 29, 31, and 33 include elements generally directed toward receiving an incoming data packet, comparing the source address of the data packet against known internal addresses of a private network, and, if there is a match, refusing to process any additional data packets received from the real source of the data packet. Therefore, Applicants respectfully contend that Claims 29, 31, and 33 are patentably distinguishable from *Malkin* for at least the same reasons discussed above with regard to Claim 15.

Claims 16-21 depend, either directly or indirectly, from Claim 15 and incorporate all the limitations thereof. Therefore, Applicants respectfully contend that Claims 16-21 are patentably distinguishable from *Malkin* for at least the same reasons discussed above with regard to Claim 15.

Claim Rejections - 35 U.S.C. § 103

The Examiner continues to reject Claims 11-14, and 22-26[1] under 35 U.S.C. § 103(a) as being unpatentable over *Malkin* in view of *Levinson*. Applicants respectfully traverse these claim rejections for the reasons discussed below.

Claims 11-14 depend indirectly from Claim 1, and incorporate all the limitations thereof. In rejecting Claims 11-14, the Examiner relies on *Malkin* as disclosing each of the limitations of Claim 1. However, as stated above, *Malkin* fails to disclose each of the limitations of Claim 1. *Levinson* fails to cure this deficiency. Therefore, Applicants respectfully contend that Claims 11-14 are allowable for at least the same reasons as discussed above with regard to Claim 1.

Claims 22-26 depend, either directly or indirectly, from Claim 15 and incorporate all the limitations thereof. In rejecting Claims 22-26, the Examiner relies on *Malkin* as disclosing each of the limitations of Claim 15. However, as stated above, *Malkin* fails to disclose each of the limitations of Claim 15. *Levinson* fails to cure this deficiency. Therefore, Applicants respectfully contend that Claims 22-26 are allowable for at least the same reasons as discussed above with regard to Claim 15.

No Waiver

All of Applicants' arguments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Malkin* and *Levinson* references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

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[1] Page 11 of the Office Action states that Claims 2-26 are rejected under 35 U.S.C. § 103(a), but the discussion indicates that it is actually Claims 22-26. Applicants assume the Office Action intended to reject Claims 22-26 under § 103(a).
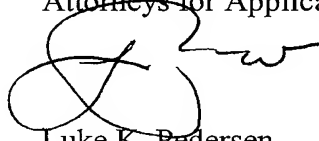
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending Claims.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If the Examiner feels that a conference would advance prosecution of this Application in any manner, Luke K. Pedersen stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Pedersen may be reached at 214-953-6655.

Respectfully submitted,

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